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To: Examiner Dinnatla Jo Doster-Greene Group Art Unit: 3743 Serial No.: 10/780,370 Company: United States Patent and Trademark Office Location: Alexandria, VA Phone: 571-272-7143 Fax: 571-273-8300	From: Terry L. Wiles Direct phone: 612-334-8992 Date: July 17, 2006 Pages including cover sheet: 3 Reference #: 815
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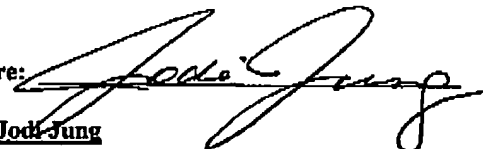
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: David R. Knighton et al. Attorney Docket: EMB1007USC2
Serial No.: 10/780,370 Group Art Unit: 3743
Filed: February 17, 2004 Examiner: Dinnatia Jo Doster-Greene
For: VEIN HARVESTING SYSTEM AND METHOD

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith in response to a telephone request is an additional copy of:

1. Terminal Disclaimer to Obviate a Double Patenting Rejection Over a "Prior" Patent of U.S. Patent No. 6,705,986 B2 to Fiegel et al. (1 page).

This Terminal Disclaimer was originally filed on June 14, 2006 and it is Applicants' understanding that it was lost after receipt by the USPTO.

Respectfully submitted,

Date: 7/17/06

By Terry L. Wiles

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PTO/SB/26 (09-04)

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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A "PRIOR" PATENT**Docket Number (Optional)
EMB1007USC2

In re Application of: David R. Knighton et al.

Application No.: 10/780,370

Filed: February 17, 2004

For: VEIN HARVESTING SYSTEM AND METHOD

The owner*, Embro Corporation, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,705,986 B2 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that said prior patent later:

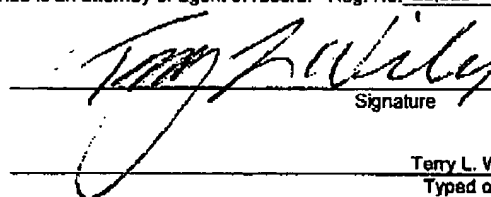
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- is found invalid by a court of competent jurisdiction;
- is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;
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- is reissued; or
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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 29,989


Signature


Date

Terry L. Wiles (29,989)
Typed or printed name

(612) 334-8989
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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